IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS SHERMAN DIVISION

EMELINDA D. SUTHERLIN,	§	
Plaintiff,	§ §	
	§	
VS.	§	Case No. 4:12CV434
COUNTRYWIDE HOME LOANS, INC.;	§ §	
BANK OF AMERICA, NATIONAL	§	
ASSOCIATION, F/K/A BAC HOME LOANS	§	
SERVICING, LP F/K/A COUNTRYWIDE HOME	§	
LOANS SERVICING, LP; THE BANK OF NEW	§ §	
YORK MELLON F/K/A THE BANK OF NEW	§	
YORK, AS TRUSTEE FOR THE	§	
CERTIFICATEHOLDERS CWABS, INC.,	§	
ASSETBACKEDCERTIFICATES SERIES 2007-6;	§	
MORTGAGE ELECTRONIC REGISTRATION	§	
SYSTEMS, INC.; MERSCORP, INC., NATIONAL	§	
DEFAULT EXCHANGE, LP; GREG BERTRAND,	§	
INDIVIDUALLY; AND STEPHEN C. PORTER,	§	
INDIVIDUALLY; AND TONI LYNN STEPHENS,		
INDIVIDUALLY; AND DOES 1-20,	§ §	
INCLUSIVELY,	§	
Defendants.	§ §	

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On December 6, 2012, the report of the Magistrate Judge was entered containing proposed findings of fact and a recommendation that Defendants Countrywide Home Loans, Inc., Bank of America, N.A., successor by merger to BAC Home Loans Servicing, L.P. f/k/a Countrywide Home Loans Servicing, LP, The Bank of New York Mellon f/k/a The Bank of New York, as Trustee for the Certificateholders CWABS, Inc., Asset-Backed Certificates Series 2007-6, Mortgage Electronic Registration Systems, Inc., and MERSCORP, Inc.'s Motion to Dismiss (Dkt. 8), National Default

Exchange, LP, Stephen C. Porter and Toni Lynn Stephens' Rule 12(b)(6) Motion to Dismiss (Dkt.

11), and Defendant Greg Bertrand's Motion to Dismiss (Dkt. 12) be GRANTED in part and this case

be dismissed for want of prosecution.

Having received the report of the United States Magistrate Judge, and no objections thereto

having been timely filed, this court is of the opinion that the findings and conclusions of the

Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions

of the court. Therefore, Defendants Countrywide Home Loans, Inc., Bank of America, N.A.,

successor by merger to BAC Home Loans Servicing, L.P. f/k/a Countrywide Home Loans Servicing,

LP, The Bank of New York Mellon f/k/a The Bank of New York, as Trustee for the

Certificateholders CWABS, Inc., Asset-Backed Certificates Series 2007-6, Mortgage Electronic

Registration Systems, Inc., and MERSCORP, Inc.'s Motion to Dismiss (Dkt. 8), National Default

Exchange, LP, Stephen C. Porter and Toni Lynn Stephens' Rule 12(b)(6) Motion to Dismiss (Dkt.

11), and Defendant Greg Bertrand's Motion to Dismiss (Dkt. 12) are GRANTED in part and this

case shall be dismissed for want of prosecution

IT IS SO ORDERED.

SIGNED this the 28th day of March, 2013.

RICHARD A. SCHELL

UNITED STATES DISTRICT JUDGE

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